



Docket No 50174-DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lerner, Adam
Serial No.: 10/060,759
Filed: January 30, 2002
For: COMPOSITIONS AND METHODS FOR THE TREATMENT OF CHRONIC LYMPHOCYTIC LEUKEMIA

GROUP: 1614
EXAMINER: SPIVACK, Phyllis

MAIL STOP AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

Your Petitioner, **Boston Medical Center Corporation**, hereby certifies that pursuant to its review of the pertinent evidentiary documents involved herein, and to the best of the Petitioner's knowledge and belief, ownership right, title and interest in the above-identified application, as well as all patents referred to herein, is in the assignee seeking to take the present action.

Petitioner is the owner of 100 percent interest in both the above-identified patent application and U.S. Patent No. 6,399,649, by virtue of an Assignment filed in its parent application, U.S.S.N. 09/423,349, now U.S. Patent No. 6,399,649, by virtue of an Assignment filed in 09/423,349, recorded on recorded in the U.S. Patent and Trademark Office on February 1, 2002, at Reel 012574, Frame 0022.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the issue of U.S. Patent No. 6,399,649 of which Petitioners are the owners of 100 percent interest.

Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,399,649, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,399,649, is shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,399,649, for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The Terminal Disclaimer Fee under 37 C.F.R. §1.20(d) is enclosed herewith. Should any additional fees be required with this submission, or if any credit is due for over payment the Commissioner is requested to access Deposit Account No. 50-0850 concerning the same.

The undersigned hereby declare that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be

true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By:

Edward J. Christiansen
Title: General Counsel
Boston Medical Center Corporation

Date: _____